

Official Transcript of Proceedings
NUCLEAR REGULATORY COMMISSION

Title: Vermont Yankee Nuclear Power Station

Docket Number: 50-271-LA

ASLBP Number: 15-934-01-LA-BD01

Location: teleconference

Date: Thursday, November 6, 2014

Work Order No.: NRC-1191

Pages 1-10

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1 UNITED STATES OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

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4 ATOMIC SAFETY AND LICENSING BOARD PANEL

5 + + + + +

6 HEARING

7 -----x

8 In the Matter of: : Docket No.

9 ENTERGY NUCLEAR VERMONT : 50-271-LA

10 YANKEE, LLC, AND : ASLBP No.

11 ENTERGY NUCLEAR : 15-934-01-LA-BD01

12 OPERATIONS, INC. :

13 (Vermont Yankee Nuclear :

14 Power Station) :

15 -----x

16 Thursday, November 6, 2014

17
18 Teleconference19
20 BEFORE:

21 E. ROY HAWKENS, Chairman

22 DR. MICHAEL F. KENNEDY, Administrative Judge

23 DR. RICHARD E. WARDWELL, Administrative Judge

24

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P R O C E E D I N G S

2:02 p.m.

JUDGE HAWKENS: My name is Roy Hawkens. I'm the Licensing Board Chairman in this case which is entitled Entergy Nuclear Vermont Yankee LLC and Entergy Nuclear Operations, Incorporated, Docket number 50-271-LA.

I'm in the Rockville headquarters joined by my fellow Board Members, Dr. Mike Kennedy, and Dr. Rich Wardwell. Also with us is the Board's law clerk, Nicole Pepperl, and the Board's Administrative Assistant, Karen Valloch.

Would counsel for the parties please introduce themselves for the record.

MS. MIZUNO: Good afternoon. Beth Mizuno with the NRC Staff.

MS. RAIMO: This is Susan Raimo for Entergy.

MR. KISICKI: And Aaron Kisicki on behalf of the State of Vermont.

JUDGE HAWKENS: Thank you. To assist the court reporter, I'd request that individuals identify themselves before speaking.

The Board has read the pleadings. We determined that oral argument would assist us in

1 deciding the admissibility of Vermont's proffered
2 contention. The purpose of this teleconference is to
3 discuss the location for the argument and the
4 potential dates.

5 First, let's talk about location. To
6 conserve resources and to facilitate expediting the
7 argument, the Board has concluded that we could
8 conduct the argument by teleconference. We recognize,
9 however, that counsel for Entergy, as well as NRC
10 Staff are here in the area. Is that correct, Ms.
11 Raimo, you're in D.C.?

12 MS. RAIMO: That's correct, sir.

13 JUDGE HAWKENS: So, it would not be
14 difficult for either of them to appear in Rockville.
15 However, we don't want to -- knowing the expenditure
16 of resource that would be involved we don't
17 necessarily want to require Mr. Kisicki to travel from
18 Vermont to come down to participate in oral argument,
19 but we would leave that option open to him. So, Mr.
20 Kisicki, would you prefer to have everybody
21 participate by teleconference? Would you be amenable
22 to spending the resources to come down to have oral
23 argument here in Rockville, or would you be amenable
24 to participating yourself by teleconference and
25 allowing the other two counsels to appear in person

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1 here in Rockville? And I want to emphasize that
2 whether an individual is present or not present will
3 not create an advantage or a disadvantage.

4 MR. KISICKI: I appreciate that, sir. So,
5 I've looked at the options. I think the State would
6 prefer either have all participants participate by
7 teleconference, or to have all present. The State is
8 willing and able to come to Rockville, if needed. But,
9 obviously, if we don't need to make that expenditure
10 that would be helpful to us because we are a State
11 agency and we're under certain budget constraints. I'm
12 sure most people on the phone can understand that.

13 I think the one option that we would
14 probably not prefer would be to have Vermont
15 participate by teleconference but have the other two
16 counsel present. I understand that it wouldn't create
17 necessarily an advantage or disadvantage for any of
18 the parties, but we do think that there might be a bit
19 of an asymmetry in terms of presentation and we'd like
20 to just make sure that either -- if everyone is on the
21 phone, everyone is on the phone, or if we're all in
22 person, we're all there.

23 JUDGE HAWKENS: That's fine, and I'm going
24 to put the ball back into your court. I understand the
25 two options that you're open to. The Board is amenable

1 to either of those. Sometimes counsel would prefer to
2 be making an argument in person where they can look at
3 the judges eyeball to eyeball. But, again, that's your
4 call whether you want to expend the resources.

5 MR. KISICKI: Yes, I think if -- unless the
6 other parties have a preference, I think our
7 preference would be to just have it telephonically
8 just from a resource perspective.

9 JUDGE HAWKENS: Then we will have it
10 telephonically. Everybody will participate by phone.

11 Let's talk about dates. Do counsel have
12 before them the email from Ms. Pepperl which talked
13 about the potential dates we would be considering?

14 MS. RAIMO: Yes, Your Honor. It's Susan
15 Raimo for Entergy.

16 JUDGE HAWKENS: Thank you.

17 MS. MIZUNO: And the NRC Staff does, as
18 well.

19 JUDGE HAWKENS: And Mr. Kisicki, you do, as
20 well?

21 MR. KISICKI: I do.

22 JUDGE HAWKENS: All right. I'll poll each
23 of the counsel one by one; if you could tell me those
24 dates that you would be available to participate, I'd
25 be grateful. Let's start with Mr. Kisicki.

1 MR. KISICKI: I would be available December
2 -- all of the dates in December I am available, but
3 there would be a strong preference for the 15th, 16th,
4 or 17th. The State is not available any of the dates
5 in November.

6 JUDGE HAWKENS: All right, thank you. Ms.
7 Raimo, how about you?

8 MS. RAIMO: Yes, Entergy would be available
9 November 18th, the 24th, or the 25th, and in December
10 we are available the 1st, the 4th, 15th, 16th, and
11 17th. Entergy's preference would be to hold the oral
12 argument earlier in December rather than later in the
13 month.

14 JUDGE HAWKENS: Thank you for that
15 information. Ms. Mizuno, your availability?

16 MS. MIZUNO: Yes, Your Honor. With the
17 understanding that Vermont is not available during the
18 month of November, we polled our people and we are
19 available -- and Staff is available to support us
20 December 1, 2, 3, and 15th, 16th, 17th.

21 JUDGE HAWKENS: Great. I'm going to just
22 repeat back what I heard to make sure I have it down
23 accurately. Vermont is not available in November, is
24 available all the dates in December, but would have a
25 preference for the 15th, 16th, or 17th.

1 MR. KISICKI: Correct.

2 JUDGE HAWKENS: Is that correct?

3 MR. KISICKI: Correct.

4 JUDGE HAWKENS: Entergy is available some
5 dates in November. Let's rule those out given that
6 Vermont is not available. Entergy then is available on
7 December 1 and 4, 15, 16, and 17, with a preference to
8 have it on the earlier dates rather than the later
9 dates.

10 MS. RAIMO: That's correct, Your Honor.

11 JUDGE HAWKENS: Thank you. And NRC Staff is
12 available December 1st, 2nd, 3rd, 15th, 16th, and
13 17th.

14 MS. MIZUNO: Yes, Your Honor.

15 JUDGE HAWKENS: All right, thank you. The
16 Board will take a look at those dates and the
17 availability of hearing spaces here at headquarters.
18 We'll issue a scheduling order, and in it we'll also
19 include topical areas that counsel should be prepared
20 both to address in affirmative arguments, as well as
21 be prepared to discuss.

22 Any other matters that counsel wish to
23 discuss?

24 MS. RAIMO: Not for Entergy, Your Honor.

25 Thank you.

1 JUDGE HAWKENS: Thank you, Ms. Raimo. Mr.
2 Kisicki?

3 MR. KISICKI: No. Thank you.

4 JUDGE HAWKENS: Thank you. Ms. Mizuno?

5 MS. MIZUNO: Nothing from the Staff, Your
6 Honor.

7 JUDGE HAWKENS: All right, thank you very
8 much. We'll, as I say, we'll prepare a scheduling
9 order and endeavor to issue it no later than the end
10 of next week. Thank you very much, and thank you, Mr.
11 Sharp.

12 (Whereupon, the above-entitled matter went
13 off the record at 2:11 p.m.)

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